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A CHARACTER SKETCH.

JOHN. H. FULTON.

By Robt. C. Jackson, Wytheville, Va.

Judge John H. Fulton was born in 1837 of a family of strong convictions and sturdy character. His father, Judge Andrew S. Fulton, was a man of intellectual force and integrity, and in his day held positions of trust and confidence. At an early age, he was sent to Emory and Henry College, then, as now, an excellent institution of learning. As a student, young Fulton pleased his teachers and made a good record in scholarship. He graduated in 1859, and at once commenced the study and practice of law in Wytheville. Then the storm, which had long been brewing, broke in fury over the land and the budding lawyer and erstwhile college dreamer, at his country's call, became a patriot and proffered all for the cause he loved. In the very beginning of the war, he went out with the "Wythe Grays." Under Stonewall Jackson, he marched and fought first as lieutenant and then as captain of his company, until at bloody Chancellorsville he lost a leg and was compelled to retire from the service. To some it might appear that the loss of a useful limb were a price too dear to pay for John Fulton's loyalty. Not so with him. Patriotism like his never counts the cost. A heart as dauntless and as true as Nathan Hale's was his; and if regret he had, it was that he could give no more to his country and her cause. What cares he for a limb who would willingly and cheerfully give his life? Then those days spent in the camp and on the field were not without their compensations as well as misfortunes to him. Along with the bitter went the sweet. Days crowded with interest and thrilling with life were they—days when the word duty meant something and when the soul, not utterly dead, felt a touch of the noble and the heroic. To an open mind and a receptive heart like John Fulton's, the war and its experiences brought many priceless treasures. During those years he learned to suffer and endure, to manage men, to appreciate the soul of good in his fellows, to value friendship and comradeship, and above all to do his duty bravely and cheerfully, scorning consequences. Powerful forces these in the great work of character building. And so when his wound had healed, John Fulton gathered up the broken and scattered threads

of his life and with crutch in hand, with brave and resolute purpose, faced the future in his chosen profession.

After the adoption of the Underwood Constitution, he was sent to the legislature and during his term of service was elected by that body judge of the Sixteenth Judicial Circuit, composed of the counties of Wythe, Pulaski, Giles, Bland, Tazewell, Carroll and Grayson. This position he occupied from 1869 to 1887. Patience, industry, honesty, uniform courtesy, and an earnest desire to do right and promote the ends of justice under all circumstances were qualities which characterized his judicial career. By character and temperament, he was admirably fitted for the discharge of judicial functions; and when, after eighteen years of faithful service, he retired from the bench, he possessed the unbounded confidence of the people of his circuit, high and low, rich and poor, and the hearty good wish and will of the entire bar.

Upon leaving the bench, Judge Fulton resumed the practice of law with a mind thoroughly trained and well stored with the great principles of law and justice. Though he had reached an age when most lawyers begin to rust out and die out, he entered upon his fiftieth year with mental powers undimmed, and to the end of his life was constantly adding to his store by diligent study and accurate classification.

We cannot, within the limits here imposed, refer to the many important cases in which he figured at the bar, and indeed this is not necessary to enable us to form some just estimate of his powers and the secret of his high standing at the bar. To begin with, Judge Fulton possessed a good legal mind, clear, logical and accurate. In addition to this, he loved his profession and was an enthusiastic student of the law. By close study and reflection, he added constantly to his stock of knowledge and truth. If, to these qualities, we shall recall his charming personality and his upright and commanding character, we can easily understand why he made a success in his profession, and what is more, a success of life, as a whole. Such qualities always and everywhere bring the laurel and the crown.

In his mental operations Judge Fulton was rather slow, but profound and accurate. He did not grasp the facts of a case quickly, but when he did grasp them, the work of separating the essential from the nonessential, the wheat from the chaff, was thorough and effective. This faculty of clear analysis always characterized his study and application of the law. He consulted many books and precedents, but books were his servants, not his masters, and precedents were valued by him only as they illustrated and explained general principles. Hence in the argument of his cases, he cited few precedents and never piled the tables of the courtroom with a mass of undigested, raw material in the shape of reported cases. In the quiet of his study, he tested cases and then selected a few of the clearest and best con-

sidered to illustrate the principles of law he wanted to bring to the apprehension of the court. He prepared himself thoroughly and marched straight to the strong points of his case, and possessed, to a rare degree, the gift of applying principles of law and justice to existing facts. Though not an orator, his mode of expression was clear and direct and the very embodiment of good sense and reason. He never indulged in empty declamation, never "played to the galleries," never talked when he had nothing to say, and never wasted time in the argument of false propositions. And so the courts always heard Judge Fulton gladly because he appealed only to the truth of things and radiated light.

In the service of his clients, Judge Fulton was indefatigable. In all cases alike, whether he was to receive a small fee or a large fee or no fee at all, he always thoroughly mastered the learning of the case. He was not at his best in trials before juries. The rough and tumble of the bar was foreign to his temperment. Still he frequently appeared before juries in civil cases; and by reason of his sterling honesty, his clearness and his kindness, carried weight with juries and frequently won. But it was as a chancery lawyer and before the courts that he was at his best. Like Daniel Webster, he admired "the searching scrutiny and high morality of a court of equity," and he possessed in a large measure those qualities which fit one for the study and application of the great principles of equity jurisprudence.

Judge Fulton loved his profession, and was ever loyal to its highest and best ideals. He believed, as every lawyer must believe, who would be an honor and an ornament to his profession, that justice is the supreme interest of man on earth, and the establishment of justice among men, through law and the courts, one of the noblest of professions. Though enjoying an extensive practice for his section, he did not accumulate a great deal of property. He was no mere money getter. Law, to him, was a profession, not a trade, and the practice of law not primarily an opportunity for money making, but a means by which justice and right are vindicated and God's will done on earth.

We have said that Judge Fulton was an enthusiastic student of the law, but we are not to suppose that he confined his studies to law alone. He was a book-lover and a wide and appreciative reader in fields other than law. He wanted to know something of the best that has been thought and written in all fields. Shakespeare, Burke, Gibbon and many other great writers brought wheat to his mental mill as well as Blackstone, Pomeroy, Minor and the decisions of the courts. He was especially fond of a good novel, but eschewed literary trash of all kinds. To his habit of reading and love of books, together with the cultivation of kindly relations with those about him, we may doubtless attribute that remarkable preservation of the powers of head and heart which continued to the very last.

The essential points of Judge Fulton's character were intellectual strength and integrity, honesty and truthfulness, simplicity and sincerity, personal kindness and good will to all with whom he came in contact. For a brief period during his early days, he became fond of his cup, but soon brushed its temptations aside and became a model of self-control in word, thought, and deed. It was in this element of thorough self-mastery that his most impressive and attractive traits of character took root and soil.

He never hurried and never worried, calm, self-possessed and self-reverent, he moved in and out among his fellows. He never spoke unadvisedly. From all unwise severity and unjust judgments he carefully refrained. It was his habit to look every subject over on all its sides and in all its bearings before reaching a conclusion. He was incapable of revenge or intentionally inflicting injury or pain. His personal charm those who knew him best cannot soon forget. He was always kind and thoughtful. Though conscious of his power, he never boasted. Where there was blame, he was always ready to take it upon himself; where there was praise, always glad to share it with others. Pride and vanity found no place in his life. He never talked about himself, and was entirely free from all unwholesome self-consciousness. Anything like guile and deceit in men disgusted him. He thought no mean thought, and did no mean deed. Daily courtesy and a scrupulous regard for the amenities of life were habits with him. His manner, though reserved, was cordial, his bearing that of a perfect gentleman. He made no special advances towards men, and to those who did not know him well, appeared somewhat cold and indifferent. But those who knew him best know that he was a true friend; and by reason of his sincerity, his simplicity, and his readiness to help others made many friendships, the tender memory of which his death has consecrated, not destroyed. Infinitely greater and better than anything he said or did, was his daily walk among men, the silent testimony his whole life bore to the things that are true, noble, and of good report. As soldier, judge, and lawyer, he did his duty and deserved the highest praise, but it was to his higher attributes as a man and a citizen that he owed the love and affection of the community in which his life was passed.

Judge Fulton died January 7th, 1907, in the seventieth year of his age. This clean, calm, generous-hearted man will be sadly missed, but the benign influence of his life will abide. In the days to come many who knew him will come back to that life crowned with honorable effort for inspiration, and the community in which his noble life was passed will be forever stronger and better because he lived in it.